

# EXHIBIT J

Videotaped Deposition of  
**Damon Hininger**  
March 03, 2020

Grae  
vs.  
Corrections Corporation of America, et al.



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CASE NO.  
3:16-CV-02267

March 3, 2020

Job No.: 10066905

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Defendants.

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## P R O C E E D I N G S

THE VIDEOGRAPHER: Good morning. Here begins the video deposition of Damon Hininger. Today's date is March 3rd, 2020. The time on the video monitor is approximately 9:30 a.m.

This deposition is being taken in the case of Grae versus CCA filed in the United States District Court for the Middle District of Tennessee, Case No. 3:16-CV-02267.

This deposition is being held at Riley, Warnock & Jacobson located at 1906 West End Avenue.

My name is David Drumel. I'm the videographer. The court reporter is Elisabeth Lorenz.

Counsel, please identify yourselves for the record at this time.

MR. FORGE: Jason Forge on behalf of the lead plaintiff and the class.

MR. WOOD: Christopher Wood on behalf of the plaintiff and the class.

MR. SCHINDLER: David Schindler, Latham & Watkins, on behalf of defendant and the witness, Mr. Hininger.

MR. SAPER: Nathan Saper, Latham & Watkins, on behalf of defendant and the witness.

1 THE VIDEOGRAPHER: Thank you.

2 Will the court reporter please swear in  
3 the witness.

4 \* \* \*

5 DAMON HININGER

6 was called as a witness, and after having been first  
7 duly sworn, testified as follows:

8 E X A M I N A T I O N

9 BY MR. FORGE:

10 Q Good morning, again, Mr. Hininger.

11 A Good morning.

12 Q Did I pronounce your name correctly?

13 A Hininger.

14 Q Hininger.

15 Mr. Hininger, you have actually experience  
16 as a prison guard, right?

17 A I do.

18 Q When -- relative to your graduation --  
19 graduation from high school, when did you first  
20 start working as a corrections officer or prison  
21 guard?

22 A After high school, I went to undergrad at  
23 Kansas State University. And then it was after  
24 graduation from Kansas State University that I  
25 became a correctional officer.

1 decision not to disclose those issues in this 10-K,  
2 correct?

3 MR. SCHINDLER: Objection as to form.

4 THE WITNESS: I didn't make a -- I  
5 didn't make a personal conscious decision.

6 BY MR. FORGE:

7 Q You didn't?

8 A Huh-uh.

9 Q You didn't discuss with others -- that was a  
10 no, right? You were shaking your head?

11 A That's a no. Yeah, I didn't do it on my  
12 own.

13 Q Not on your own.

14 A Right.

15 Q But you did discuss with others the  
16 possibility of including the fact that part of the  
17 reason for the nonrenewal was performance based --

18 MR. SCHINDLER: Objection as to --

19 BY MR. FORGE:

20 Q -- correct?

21 MR. SCHINDLER: Objection as to form.

22 THE WITNESS: So the question is, yeah,  
23 it was a collective discussion, so it was our  
24 disclosure committee, which is probably a couple  
25 dozen people. It was our external auditors, it was

1 our board of directors, and it was our audit  
2 committee. So, yeah, it was a collective discussion  
3 through those various government measures to  
4 determine what was appropriate disclosure.

5 BY MR. FORGE:

6 Q All right. And one disclosure item that you  
7 considered in those discussions with that group was  
8 disclosing that the nonrenewal was based in part on  
9 performance-related issues, correct?

10 MR. SCHINDLER: Objection as to form.

11 THE WITNESS: Again, that was a -- that  
12 was a consideration in the discussion from -- from  
13 the bureau, so you're right, that is a discussion.

14 But the -- the actual document itself  
15 that we read today is true and accurate, and it went  
16 through various committees and individuals for  
17 review to determine its accuracy.

18 BY MR. FORGE:

19 Q What I'm saying is, before you put out this  
20 document, you and these folks you're talking about  
21 all discussed the possibility of including that more  
22 complete information about that nonrenewal, correct?

23 MR. SCHINDLER: Objection as to form.

24 THE WITNESS: The disclosure committee,  
25 the audit committee, the board, the external



1 I, the undersigned, a Licensed Court  
2 Reporter of the State of Tennessee, do hereby  
3 certify:

4 That the foregoing proceedings were  
5 taken before me at the time and place herein set  
6 forth; that any witnesses in the foregoing  
7 proceedings, prior to testifying, were duly sworn;  
8 that a record of the proceedings was made by me  
9 using machine shorthand, which was thereafter  
10 transcribed under my direction; that the foregoing  
11 transcript is a true record of the testimony given.

12 Further, that if the foregoing pertains  
13 to the original transcript of a deposition in a  
14 federal case, before completion of the proceedings,  
15 review of the transcript was not requested.

16 I further certify I am neither  
17 financially interested in the action nor a relative  
18 or employee of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date  
20 subscribed my name.

21 Dated: March 4, 2020

22  
23



24 Elisabeth A. Miller Lorenz

25 RMR, CRR, LCR No. 66